THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.87 of 2006

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23.01.2006

Between:

Abdullah Khan, S/o. Late Ghouse Khan

And others

... Petitioners

AND

The Commissioner,

Municipal Corporation of Hyderabad

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.87 of 2006

ORDER:

The six petitioners are residents of Bazar Rooplal Shahali Banda area, Hyderabad. They allege that the sixth respondent raised constructions on the public road with the connivance of the officials of the Municipal Corporation of Hyderabad (MCH). They also allege that the sixth respondent encroached upon 12 feet wide road causing inconvenience to the petitioners and neighbourhood. They gave a representation on 24.12.2005, in vain. Therefore they filed the instant writ petition seeking a direction to respondents 1 and 2 to take necessary action against the sixth respondent.

Heard the learned Counsel for the petitioners and learned Standing Counsel for MCH. The learned Standing Counsel submits that having come to know about illegal constructions made by the sixth respondent, a notice under Section 452(1) of Hyderabad Municipal Corporations Act, 1955 (the Act, for brevity) was issued to the sixth respondent, that the sixth respondent filed a suit being O.S.No.8552 of 2005 on the file of the Court of II Junior Civil Judge, City Civil Court, Hyderabad and obtained an order of injunction against MCH in I.A.No.3108 of 2005 dated 26.12.2005. The learned Standing Counsel also states that the case before the Civil Court stands

posted to today and that necessary steps are being taken to get the order of *ad interim* injunction vacated.

In view of the submissions made by the learned Standing Counsel, the writ petition is disposed of directing the learned II Junior Civil Judge, City Civil Court, Hyderabad to dispose of I.A.No.3108 of 2005 within a period of two weeks from the date of receipt of a copy of this order. In the meanwhile, MCH is directed to file the counter in the said I.A., if not already filed, immediately. Insofar as this writ petition is concerned, now that MCH has already taken necessary action, no further orders are necessary. If so advised, it shall be open to the petitioner to get impleaded in O.S.No.8552 of 2005 and seek redressal therein.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

January 23, 2006.

NOTE:

Dispatch a copy of this order to

The learned II Junior Civil Judge,

City Civil Court, Hyderabad, immediately.

(By order)

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